

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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KYISHA JONES,

Plaintiff,

v.

Case No. 14-cv-12107

JEH JOHNSON, SECRETARY OF HOMELAND  
SECURITY, *et al.*,

Defendants.

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**OPINION AND ORDER DENYING DEFENDANTS' MOTION TO DISMISS  
AND FOR SUMMARY JUDGMENT WITHOUT PREJUDICE**

Pending before the court is a Motion to Dismiss and for Summary Judgment, filed by Defendants on October 1, 2014. (Dkt. # 12.) On October 22, 2014, Plaintiff amended her complaint as of right. See Fed. R. Civ. P. 15 (a)(1)(B). This renders the original Complaint a nullity. *Drake v. City of Detroit*, 266 F. App'x 444, 448 (6th Cir. 2008). Accordingly,

IT IS ORDERED that Defendants' Motion to Dismiss and for Summary Judgment (Dkt. # 12) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the previously granted Motion for Leave to File Excess Pages applies to any motion filed in response to the First Amended Complaint.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 30, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 30, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522